

LUZERNE COUNTY
OFFICE OF LAW
ROMILDA P. CROCAMO, ESQUIRE
CHIEF COUNTY SOLICITOR



LUZERNE COUNTY
COUNTY MANAGER
C. DAVID PEDRI, ESQUIRE

COUNTY of LUZERNE
P E N N S Y L V A N I A
ESTABLISHED 1786

October 27, 2017

Eric Mark
The Citizens' Voice
75 N. Washington Street
Wilkes-Barre, PA 18701
Email: ericmark4@gmail.com or emark@citizensvoice.com
RE: RTK Request # 17-194

Dear Mr. Mark:

Thank you for writing to Luzerne County with your request for information pursuant to the Pennsylvania Right-To-Know law. My email is Jackie.Carroll@luzernecounty.org.

On October 27, 2017, the Luzerne County Office of Law received a request for documents from you described in the attached Right to Know request. Your request is denied for the following reasons pursuant to the Pennsylvania Right to Know Law ("RTKL").

Section 708(b)(18)(i) of the RTKL states: "The following are exempt from access by a requestor under this Act ... Records or parts of records, except time response logs, pertaining to audio recordings, telephone or radio transmissions received by emergency dispatch personnel, including 911 recordings." §67.708(b)(18)(i). As such, pursuant to the exemption, Luzerne County 911 does not release transcripts of calls, audio recordings of calls or other such information except time response logs absent a court order or subpoena. We have requested that 911 preserve any such information that does exist in the event that a subpoena is obtained.

You have a right to appeal this denial of information in writing to Office of Open Records, Commonwealth Keystone building, 400 North Street, 4th Floor, Harrisburg, PA 17120.

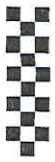
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If you choose to file an appeal for any reason, you must do so within 15 business days of the mailing date of the agency's response. Section 1101. If you have further questions, please contact me. Please be advised this correspondence will serve to close this request with our office as permitted by law.

Very truly yours,



JACQUELINE MUSTO CARROLL, ESQUIRE
Luzerne County – Open Records Officer



RTK REQUEST NUMBER

DATE RECEIVED

5 DAY RESPONSE DATE



COUNTY OF LUZERNE

RIGHT TO KNOW LAW REQUEST FORM

NAME OF REQUESTER: MARK ERIC
(PLEASE PRINT CLEARLY) LAST FIRST MI

MAILING ADDRESS: THE CITIZENS' VOICE, 75 N. WASHINGTON ST.
STREET / P.O. BOX

WILKES-BARRE, PA. 18701
CITY STATE ZIP CODE

PHONE # 570-821-2117 FAX# 570-821-2247

EMAIL ADDRESS: ERICMARK4@smail.com, EMARK@CITIZENVOICE.COM

SIGNATURE: Eric Romark DATE: 10/26/17

RECORDS REQUESTED - Requesters MUST specify the document(s) sought. Please use additional pages if necessary.

We would like to obtain the audio tapes or recordings of the
911 call regarding a fatal fire in Lapin on Wednesday, Oct. 25, 2017.
We believe the call was placed at about 7p.m. and involved
a domestic altercation first, followed by the fire. Thanks.

PLEASE CHECK ONE OF THE FOLLOWING:

- I AM ONLY REQUESTING ACCESS TO THE DOCUMENT(S)
- I AM REQUESTING A HARD COPY OF THE DOCUMENT(S) (PAPER, CD, etc...)
- I AM REQUESTING AN E-FILE OF THE DOCUMENT(S) (IF AVAILABLE) (PDF, EXCEL SPRDSHT, etc...)

PLEASE NOTE: LUZERNE COUNTY IS NOT REQUIRED TO CREATE A RECORD WHICH DOES NOT CURRENTLY EXIST OR TO COMPILE, MAINTAIN, FORMAT OR ORGANIZE A RECORD IN A MANNER IN WHICH THE AGENCY DOES NOT CURRENTLY COMPILE, MAINTAIN, FORMAT OR ORGANIZE THE RECORD